

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

March 2024 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHIEN KHANG BUI,
aka "Catfish,"
aka "Tommy,"
NANGIALEY NICK WARDAK, and
MANDY LYNN MCGREW,

Defendants.

No. 8:24-cr-00100-JVS

I N D I C T M E N T

[18 U.S.C. § 1349: Conspiracy to
Commit Bank Fraud; 18 U.S.C.
§ 1028A(a)(1): Aggravated Identity
Theft; 18 U.S.C. § 1344(2): Bank
Fraud; 18 U.S.C. §§ 982, 1029:
Criminal Forfeiture]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1349]

[ALL DEFENDANTS]

A. OBJECT OF THE CONSPIRACY

1. Beginning on a date unknown to the Grand Jury, but no later than on or about February 4, 2020, and continuing through at least March 23, 2022, in Orange County, within the Central District of California, and elsewhere, defendants CHIEN KHANG BUI, also known as

1 ("aka") "Catfish," aka "Tommy," NANGIALEY NICK WARDAK, and MANDY LYNN
2 MCGREW, together with others known and unknown to the Grand Jury,
3 conspired to commit Bank Fraud, in violation of Title 18, United
4 States Code, Section 1344(2), by submitting false and fraudulent
5 applications for home equity lines of credit ("HELOCs") using
6 personal identifying information stolen from victims.

7 B. MANNER AND MEANS OF THE CONSPIRACY

8 2. The fraudulent scheme operated and was carried out in the
9 following manner:

10 a. Defendant BUI, together with others known and unknown
11 to the Grand Jury, would obtain debit cards, bank account numbers,
12 credit cards, home addresses, telephone numbers, and other personal
13 identifying information ("PII") of identity theft victims, including
14 by stealing mail.

15 b. Using the Internet, defendant BUI would submit
16 electronic applications for HELOCs to Victim Company One, an online
17 mortgage lending business and financial institution within the
18 meaning of Title 18, United States Code, Section 20, using victims'
19 stolen PII.

20 c. Defendant BUI would use the victims' PII to obtain
21 lines of credit secured by the victims' actual homes, without the
22 victims' knowledge or authorization.

23 d. Using the Internet, defendant BUI linked each HELOC
24 application to a bank account controlled by himself or others known
25 and unknown to the Grand Jury, ensuring that any funds loaned by
26 Victim Company One would be accessible to defendant BUI and not the
27 victims.

1 e. Defendants BUI, WARDAK, and MCGREW falsely represented
2 to Victim Company One that they were a person associated with each
3 application and that they were the owner of each of the houses used
4 as collateral. Defendants BUI, WARDAK, and MCGREW also concealed
5 from Victim Company One that the applications were made without the
6 consent or knowledge of the victims named in each application.

7 C. OVERT ACTS

8 On or about the following dates, in furtherance of the
9 conspiracy, and to accomplish its object, defendants BUI, WARDAK, and
10 MCGREW, and others known and unknown to the Grand Jury, committed
11 various overt acts within the Central District of California, and
12 elsewhere, including, but not limited to:

13 Overt Act No. 1: On February 4, 2020, defendant BUI caused an
14 application for a HELOC in the amount of approximately \$150,000 and
15 secured by T.B.'s home to be electronically submitted to Victim
16 Company One ("the T.B. application"), using T.B.'s PII, without
17 T.B.'s knowledge, consent, or authorization.

18 Overt Act No. 2: On February 7, 2020, defendant BUI caused a
19 photograph of a counterfeit driver's license with T.B.'s PII and
20 defendant WARDAK's photograph to be uploaded to Victim Company One's
21 website and linked to the T.B. application.

22 Overt Act No. 3: On February 7, 2020, defendant BUI caused a
23 "joint borrower" to be added to the T.B. application in the name of
24 victim B.S., T.B.'s actual wife, using B.S.'s PII.

25 Overt Act No. 4: On February 7, 2020, defendant BUI caused a
26 Citibank account held in defendant BUI's name, and controlled by
27 defendant BUI, to be linked to the T.B. application.

1 Overt Act No. 5: On February 10, 2020, defendant WARDAK
2 attended an online notary session in support of the T.B. application,
3 displayed the counterfeit driver's license bearing T.B.'s PII and
4 defendant WARDAK's photograph, and falsely identified himself as T.B.

5 Overt Act No. 6: On February 10, 2020, defendant MCGREW
6 attended a separate online notary session in support of the T.B.
7 application, displayed a counterfeit driver's license with B.S.'s PII
8 and defendant MCGREW's photograph, and falsely identified herself as
9 B.S.

10 Overt Act No. 7: On March 3, 2020, defendants WARDAK and
11 MCGREW met in person with a mobile notary in support of the T.B.
12 application, displayed their counterfeit driver's licenses, and
13 falsely identified themselves as, respectively, T.B. and B.S.

14 Overt Act No. 8: On February 18, 2020, defendant BUI received
15 \$145,631.07 in HELOC funds following approval of the T.B.
16 application, which were deposited into a Citibank account that he
17 controlled.

18 Overt Act No. 9: From on or about February 18, 2020, to on or
19 about February 27, 2020, unknown conspirators made numerous cash
20 withdrawals from defendant BUI's Citibank account.

21 Overt Act No. 10: On January 30, 2021, defendant BUI caused an
22 application for a HELOC in the amount of approximately \$245,261 and
23 secured by H.Z.'s home to be electronically submitted to Victim
24 Company One ("the H.Z. application"), using H.Z.'s PII, without
25 H.Z.'s knowledge, consent, or authorization.

26 Overt Act No. 11: On January 30, 2021, defendant BUI caused a
27 photograph of a counterfeit driver's license with H.Z.'s PII and
28

1 defendant BUI's photograph to be uploaded to Victim Company One's
2 website and linked to the H.Z. application.

3 Overt Act No. 12: On January 30, 2021, defendant BUI caused a
4 Bank of America account held in defendant BUI's name, and controlled
5 by defendant BUI, to be linked to the H.Z. application.

6 Overt Act No. 13: On February 3, 2021, an unknown conspirator
7 met with a notary public in Pasadena, California, displayed a
8 counterfeit driver's license, and falsely identified himself as H.Z.

9 Overt Act No. 14: On February 9, 2021, defendant BUI received
10 \$238,117.48 in HELOC funds following approval of the H.Z.
11 application, which were deposited into a Bank of America account that
12 he controlled.

13 Overt Act No. 15: Between February 9, 2021, and February 24,
14 2021, defendant BUI and other unknown conspirators withdrew,
15 transferred, or otherwise depleted the funds obtained via the H.Z.
16 application from defendant BUI's Bank of America account.

17 Overt Act No. 16: On March 12, 2022, defendant BUI caused an
18 application for a HELOC in the amount of \$124,999 and secured by
19 H.N.'s home to be electronically submitted to Victim Company One
20 ("the H.N. application"), using H.N.'s PII, without H.N.'s knowledge,
21 consent, or authorization.

22 Overt Act No. 17: On March 12, 2022, defendant BUI caused a
23 photograph of a counterfeit driver's license with H.N.'s PII and Co-
24 Conspirator One's photograph to be uploaded to Victim Company One's
25 website and linked to the H.N. application.

26 Overt Act No. 18: On March 12, 2022, defendant BUI caused a
27 Bank of America account controlled by Co-Conspirator One to be linked
28 to the H.N. application.

1 Overt Act No. 19: On March 16, 2022, Co-Conspirator One
2 attended an in-person notary session, presented the counterfeit
3 driver's license with H.N.'s PII and her own photograph, and falsely
4 identified herself as H.N.

5 Overt Act No. 20: On March 22, 2022, Co-Conspirator One
6 received \$119,058.01 in HELOC funds following approval of the H.N.
7 application, which were deposited into the Citibank account that she
8 controlled.

9 Overt Act No. 21: On March 22, 2022, at defendant BUI's
10 direction, Co-Conspirator One withdrew \$60,000 in cash from her Bank
11 of America account and delivered the money to defendant BUI.

12 Overt Act No. 22: On March 23, 2022, at defendant BUI's
13 direction, Co-Conspirator One withdrew \$54,000 from her Bank of
14 America account and delivered the money to defendant BUI.

COUNT TWO

[18 U.S.C. §§ 1028A(a)(1), 2(b)]

[Defendant BUI]

On or about January 30, 2021, in Orange County, within the Central District of California, defendant CHIEN KHANG BUI, also known as ("aka") "Catfish," aka "Tommy," knowingly transferred, possessed, and used, and willfully caused to be transferred, possessed, and used, without lawful authority, a means of identification that defendant BUI knew belonged to another person, namely, the name of H.Z., during and in relation to the crime of Conspiracy to Commit Bank Fraud, a felony violation of Title 18, United States Code, Section 1349, as charged in Count One of this Indictment.

COUNT THREE

[18 U.S.C. §§ 1028A(a)(1), 2(b)]

[Defendant WARDAK]

On or about March 3, 2020, in Orange County, within the Central District of California, defendant NANGIALEY NICK WARDAK knowingly transferred, possessed, and used, and willfully caused to be transferred, possessed, and used, without lawful authority, a means of identification that defendant WARDAK knew belonged to another person, namely, the name of T.B., during and in relation to the crime of Conspiracy to Commit Bank Fraud, a felony violation of Title 18, United States Code, Section 1349, as charged in Count One of this Indictment.

COUNT FOUR

[18 U.S.C. §§ 1028A(a)(1), 2(b)]

[Defendant MCGREW]

On or about March 3, 2020, in Orange County, within the Central District of California, defendant MANDY LYNN MCGREW knowingly transferred, possessed, and used, and willfully caused to be transferred, possessed, and used, without lawful authority, a means of identification that defendant MCGREW knew belonged to another person, namely, the name of B.S., during and in relation to the crime of Conspiracy to Commit Bank Fraud, a felony violation of Title 18, United States Code, Section 1349, as charged in Count One of this Indictment.

COUNTS FIVE THROUGH SEVEN

[18 U.S.C. § 1344(2)]

[Defendant BUI]

A. INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

1. The California Employment Development Department ("EDD") administered unemployment insurance ("UI") benefits for residents of California, including Pandemic Unemployment Assistance benefits to individuals who were unemployed because of the COVID-19 pandemic ("pandemic benefits").

2. To qualify for UI benefits, including pandemic benefits, a California resident had to submit to EDD an application for the benefits; provide EDD with personal identifying information ("PII"), including the applicant's name, date of birth, and social security number; and certify to EDD under penalty of perjury that the COVID-19 pandemic had directly and adversely affected the applicant's employment.

3. Applications for UI benefits, including pandemic benefits, could be submitted to EDD online. An individual who applied online for benefits would provide EDD with an email address ("account email address") in addition to the applicant's regular mailing address ("account mailing address").

4. Individuals who resided outside the state of California, or were deceased, were ineligible for UI benefits, including pandemic benefits.

5. After a person submitted an application for UI benefits, including pandemic benefits, EDD would transmit an email to the account email address provided on the application confirming the

1 submission of the application and, thereafter, would send
2 correspondence related to the application and the UI benefits,
3 including pandemic benefits, to the account email address.

4 6. Once EDD approved the application and granted pandemic
5 benefits to the applicant, EDD would create a debit account ("EDD
6 debit account") with Bank of America, NA ("Bank of America"). A
7 debit card linked to the EDD debit account would then be mailed to
8 the address associated with the account.

9 7. EDD typically deposited UI benefits, including pandemic
10 benefits, to the EDD debit account. The debit card could be used to
11 withdraw the benefits from the EDD debit account using automated
12 teller machines ("ATMs"), including ATMs that Bank of America
13 operated.

14 8. Once approved for pandemic benefits, the recipient of the
15 benefits would be required to periodically recertify under penalty of
16 perjury that, among other things, the recipient was unemployed due to
17 the COVID-19 pandemic and therefore remained eligible to receive
18 pandemic benefits.

19 9. At times relevant to this Indictment, Bank of America was a
20 financial institution that was insured by the Federal Deposit
21 Insurance Corporation ("FDIC").

22 B. THE SCHEME TO DEFRAUD

23 10. Beginning no later than in or around July 2020, and
24 continuing until at least in or around August 2020, in Orange County,
25 within the Central District of California, and elsewhere, defendant
26 CHIEN KHANG BUI, also known as ("aka") "Catfish," aka "Tommy,"
27 together with others known and unknown to the Grand Jury, knowingly
28 and with intent to defraud devised and executed a scheme to obtain

1 money in the custody and control of Bank of America, by means of
2 material false and fraudulent pretenses, representations, and
3 promises, and the concealment of material facts.

4 11. The fraudulent scheme operated and was carried out as
5 follows:

6 a. Defendant BUI, and others known and unknown to the
7 Grand Jury, would acquire the PII, such as the names, dates of birth,
8 and social security numbers, of individuals ("victims") who were not
9 eligible for UI benefits or pandemic benefits. Defendant BUI
10 targeted individuals with names similar to his own.

11 b. Defendant BUI would maintain that PII in an Excel
12 spreadsheet and other locations.

13 c. Defendant BUI would use the victims' PII to submit
14 fraudulent online applications to EDD for UI benefits, including
15 pandemic benefits (the "fraudulent EDD applications").

16 d. Defendant BUI would assume the victims' identities and
17 use the victims' PII to provide materially false information to EDD
18 on the fraudulent EDD applications, including certifying to EDD under
19 penalty of perjury that the alleged applicants were residents of
20 California who were unemployed as a direct result of the COVID-19
21 pandemic. The alleged applicants included at least one individual
22 who resided outside of the State of California and at least one
23 individual who was deceased, as well as one other individual who was
24 otherwise not eligible for UI benefits, including pandemic benefits.

25 e. By submitting the fraudulent EDD applications,
26 defendant BUI would cause EDD to:

27 i. Authorize pandemic benefits to be provided to
28 individuals who were ineligible for pandemic benefits, including

1 individuals who were ineligible for pandemic benefits because they
2 resided outside the State of California or were deceased;

3 ii. Create debit accounts ("EDD debit accounts") with
4 Bank of America in the names of third parties, including the victims;
5 and

6 iii. Cause debit cards linked to the EDD debit
7 accounts at Bank of America ("EDD debit cards") in the names of third
8 parties to be mailed to the addresses listed by defendant BUI on the
9 applications, which addresses defendant BUI had access to and
10 controlled.

11 f. After EDD approved the fraudulent EDD applications and
12 disbursed the pandemic benefit funds to the EDD debit accounts, and
13 Bank of America issued the EDD debit cards linked to those accounts,
14 defendant BUI and others known and unknown to the Grand Jury would
15 fraudulently assume the identities of the EDD debit account holders
16 and use the corresponding EDD debit cards to make fraudulent cash
17 withdrawals of pandemic benefits from ATMs in Orange County and
18 elsewhere.

19 C. EXECUTIONS OF THE SCHEME

20 12. On or about the following dates, in Orange County, within
21 the Central District of California, and elsewhere, defendant BUI
22 committed the following acts, each of which constituted an execution
23 of the fraudulent scheme:

COUNT	DATE	TRANSACTION
FIVE	July 27, 2020	Submitted fraudulent application using PII of victim C.X.B.
SIX	August 13, 2020	Submitted fraudulent application using PII of victim C.B.
SEVEN	August 26, 2020	Submitted fraudulent application using PII of victim C.C.B.

FORFEITURE ALLEGATION

[18 U.S.C. § 982]

1. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal Procedure, notice is hereby given that the United States of America will seek forfeiture as part of any sentence, pursuant to Title 18, United States Code, Section 982(a)(2), in the event of any defendant's conviction of the offenses set forth in this Indictment.

2. Any defendant so convicted shall forfeit to the United States of America the following:

(a) All right, title and interest in any and all property, real or personal, constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense; and

(b) To the extent such property is not available for forfeiture, a sum of money equal to the total value of the property described in subparagraph (a).

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), any defendant so convicted shall forfeit substitute property, up to the total value of the property described in the preceding paragraph if, as the result of any act or omission of said defendant, the property described in the preceding paragraph, or any portion thereof: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been

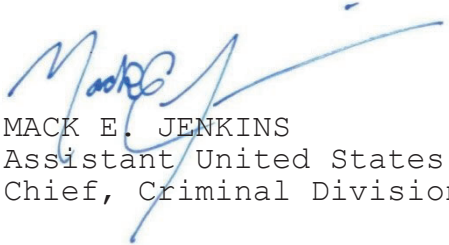
1 substantially diminished in value; or (e) has been commingled with
2 other property that cannot be divided without difficulty.

3 A TRUE BILL

4
5 /s/

6 _____
Foreperson

7 E. MARTIN ESTRADA
8 United States Attorney

9 
10 MACK E. JENKINS
11 Assistant United States Attorney
12 Chief, Criminal Division

13 ANNE C. GANNON
14 Assistant United States Attorney
15 Chief, Santa Ana Branch Office

16 GREGORY S. SCALLY
17 Assistant United States Attorney
18 Deputy Chief,
19 Santa Ana Branch Office

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